

REMARKS

Claims 2-24 and 26-41 are pending in this application. Claims 2, 4, 5, 9, 14, 17, 18, 20-22, 32, and 41 are in independent form. Claims 3, 23, and 26 depend from claim 2; claim 24 depends from claim 4; claims 6-8, 12-13, and 27-29 depend from claim 5; claims 10 and 11 depend from claim 9; claims 15-16, 19, and 30-31 depend from claim 14; and claims 33-40 depend from claim 32. Claim 21 has been rewritten in independent form. The claims have not been substantively amended. Applicants wish to thank the Examiner for his indication that claims 2-4, 9-11, 17-18, 21-24, 26, and 32-41 contain allowable subject matter.

Applicants respectfully request reconsideration of the finality of the last office action pursuant to MPEP § 706.07(d), a copy of which is attached in Appendix B. Many of the claims that have been rejected in the final office action were not substantively amended in the response to the first office action. In addition, many of the claims were only amended to put them in independent form. Moreover, the primary reference now utilized by the Examiner, U.S. Patent No. 6,376,770 to Hyde, was before the Examiner with the first office action, but not cited against the claims, and applicants have made the same arguments against Hyde that were made in response to the first office action. Applicants would also like to point out that the secondary reference, U.S. Patent No. 5,677,512 to Reiker, was also before the Examiner at the time of the first office action. If the Examiner had cited Hyde and/or Reiker against the claims in the first office action, applicants could have easily made the same arguments they have made herein, without the prospect of facing an advisory action and the requirement to file and pay for an RCE. Applicants submit that the citation of Hyde and Reiker was not necessitated by applicant's amendments made in response to the first office action. Therefore, pursuant to MPEP § 706.07(d), applicants respectfully request reconsideration of the holding of finality of the last office action by the Primary Examiner and full consideration of applicant's remarks made herein.

Should the Primary Examiner find that the finding of finality of the office action was proper, applicants submit that the remarks enclosed herein do not raise a new issue which would require additional searching on the part of the Examiner. Importantly, the arguments made herein are the same as those raised in applicants response to the first office action. (See Amendment, filed August 12, 2002, at page 5, last paragraph ("the clip . . . of Johnston does not extend outwardly from the front opening of the wall structure"); page 8, second paragraph ("each clip of Johnston does not extend from the front opening of the wall structure").

In the office action, the Examiner rejected claims 5-8, 20, 27, and 28 under 35 U.S.C. § 102(e) as being anticipated by Hyde. Claim 5 requires that the clip extend "outwardly from the front opening of the wall structure of the bracket". Hyde teaches a clip that is utilized to couple a bracket 200 to a mounting bracket 220, as shown in Figs. 26 and 28. This mounting bracket 220 is described in the specification as "a right angled member that will fit around a front corner of a wall stud 3." In order to clip onto the mounting bracket 220, the bracket 200 includes clips 206 that extend outwardly from the side wall 202 of the bracket, as shown clearly in Fig. 1. Clips 206 are spaced from the front opening, represented by reference number 211 in Fig. 1. Thus, clips 206 do not extend outwardly from the front opening of the wall structure, as required by claim 5. Moreover, none of the references cited by the Examiner show a clip that extends outwardly from the front opening of the wall structure. For this reason, applicants submit that claims 5-8, 20, and 27-28 are novel and non-obvious.

Claims 12-16, 19, and 29-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hyde in view of U.S. Patent No. 5,677,512 to Reiker. Claims 12, 13, and 29 depend from claim 5. Therefore, these claims are submitted to be allowable over the combination of Hyde and Reiker because neither Hyde nor Reiker teaches a clip that extends outwardly from the front opening of the wall structure.

With respect to the remaining claims, claims 14-16, 19, and 30-31, Reiker teaches a double sided tape that can be attached to an electrical box to temporarily hold the electrical box on a stud before screwing, nailing, or otherwise permanently affixing the box to the stud. (See Reiker at col. 3, lines 30-42; col. 4, lines 11-13; col. 5, lines 36-41). Reiker also states that "expected mounting surfaces include walls, ceilings, floors, studs, joists, plywood, and the like." (Col. 6, lines 51-52). Reiker never mentions the application of a bracket for housing an electrical component to an electrical box using only an adhesive, or similar adhering element. Moreover, none of the references suggests adhering an electrical bracket to another electrical box with an adhering element as claimed.

Claim 14 requires that an adhering element couple the wall structure of a bracket for housing an electrical component with a wall of an electrical outlet box. Claim 30 concerns a ganged electrical outlet box assembly where an electrical outlet box adheres to the bracket of claim 14 using an adhering element.

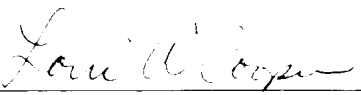
Applicants submit that the combination of Hyde and Reiker do not render the present claims unpatentable because the combination is improper. Reiker teaches using an adhesive as a temporary supplement to nailing or screwing, but does not teach that the adhesive can be used to adhere an electrical box to an electrical bracket. Hyde includes one embodiment, shown in Figs. 17, 28-29 and 31. Fig. 17 shows how two electrical box inserts 10 may be joined together using plugs 400. Once the electrical box inserts are positioned next to each other, the plugs 400 are slid into recesses that are formed on the sides of the inserts 10. The plugs serve to join the inserts 10 together. The inserts are used in conjunction with mounting bracket 200 or 200', as shown in Figs. 25 and 28. Thus, two electrical inserts 10 are taught to be coupled together using plugs 400 and a mounting bracket 200'. The Examiner submits that it would have been obvious to combine Reiker with Hyde in order to improve the connection between the two parts, but applicants submit that one of skill in the art having knowledge of Reiker would not be motivated to use an adhering element with Hyde since Hyde already has two ways that are used in combination to join the two boxes. There would be no motivation on the part of Hyde to seek an additional way to join the electrical box inserts 10 to one another. Thus, applicants submit that the combination is improper and applied only in hindsight. For this reason, applicants respectfully request withdrawal of the rejection based upon the combination of Hyde and Reiker.

In view of the foregoing amendments and remarks, applicants respectfully request that the Examiner reconsider this application with a view towards allowance. The Examiner is respectfully requested to call the undersigned attorney if a telephone call will help to resolve any remaining issues.

No fees are believed to be due with the submission of this Amendment, other than a fee for an additional independent claim. Should any other fees be required, the Assistant Commissioner is authorized to charge such fees to Jones, Day, Reavis, & Pogue's deposit account No. 50-1432.

Respectfully submitted,

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